

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 03 APR 2006

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To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/US2005/028607

International filing date (day/month/year)
10.08.2005

Priority date (day/month/year)
30.09.2004

International Patent Classification (IPC) or both national classification and IPC
INV. G06F1/00 H04L29/06

Applicant
CITRIX SYSTEMS, INC.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/028607

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/028607

Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
 - paid additional fees.
 - paid additional fees under protest.
 - not paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is not complied with.
 - complied with
 - not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos.

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	4-29,33-36,43-48,58,60-92,97-137
	No:	Claims	1-3, 30-32,37-42,49-57,59,93-96,138-153
Inventive step (IS)	Yes:	Claims	-
	No:	Claims	1-153
Industrial applicability (IA)	Yes:	Claims	1-153
	No:	Claims	-

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2005/028607

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item IV

Lack of unity of invention

- 1 The present application lacks unity within the meaning of Rule 13.1 PCT, the reason being as follows:
 - 1.1 The International Searching Authority considers that the following separate groups of inventions are not so linked as to form a single general inventive concept:

Group 1: Claims 1-36 and 112-137
Group 2: Claims 37-58 and 138-153
Group 3: Claims 59-111
 - 1.2 The lack of unity becomes apparent a priori (see PCT Guidelines, 10.03).
 - 1.3 The subject-matter of independent **claims 1, 30, 112, and 128** is directed towards differentiated control of access to network resources. This concept is achieved by requesting access to a resource, gathering information about the client node, receiving the gathered information, and making an access control decision based on the received information with or without file format conversions.
 - 1.4 The subject-matter of independent **claims 37, 49, 138, and 144** is directed towards taking client-dependant network access control decisions. This concept is achieved by using a policy engine receiving information about a client node, generating a data set from the information, and providing an enumeration of available resources.
 - 1.5 The subject-matter of independent **claims 59 and 93** is directed towards the retrieval of access-controlled data files. This concept is achieved by transmitting a file request, performing access control for the requested file, determining the respective file type and the associated identifier for an application program, and presenting the file contents.
 - 1.6 As a result, the application comprises 3 groups of independent claims being based

on different concepts and having different features.

- 1.7 It should be noted that the common feature of the above inventions, namely performing access control in a communications network, represents a common measure to the person skilled in the art.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following documents cited in the International Search Report are referred to in this communication:

- D1: US 2004/039594 A1 (NARASIMHAN ANAND ET AL) 26 February 2004 (2004-02-26)
D2: US 2003/191971 A1 (KLENSIN JOHN C ET AL) 9 October 2003 (2003-10-09)
D3: US 2003/145222 A1 (GITTLER MIHAELA ET AL) 31 July 2003 (2003-07-31)
D4: WO 01/37517 A (WAYPORT, INC) 25 May 2001 (2001-05-25)
D5: WO 00/51290 A (ALCATEL INTERNETWORKING, INC) 31 August 2000 (2000-08-31)
D6: EP-A-0 863 453 (XEROX CORPORATION) 9 September 1998 (1998-09-09)
D7: EP-A-0 927 921 (CASIO COMPUTER CO., LTD) 7 July 1999 (1999-07-07)

- 2 Concerning **Group 1**, the present application does not meet the criteria mentioned in Article 33(1) PCT, because the subject-matter of independent **claims 1 and 30** is not novel in the sense of Article 33(2) PCT, while the subject-matter of **claims 112 and 128** does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.1 Document D1 discloses according to all the features of **claim 30** (the references in parentheses applying to this document):

- A method of granting access to resources comprising the steps of:
(a) requesting, by a client node, access to a resource (see, e.g., Fig. 1, ref. 14);
(b) gathering, by a collection agent ("Fact Engine"; Fig. 1, ref. 22), information

about the client node (paragraph [0046]: "The various facts required for evaluation of the rules are obtained from the fact engine, including the respective groups of the user, the document, and the device...");

- (c) receiving, by a policy engine (Fig. 17, ref. 140 and Fig. 18, ref. 154), the gathered information (see, e.g., Fig. 10, ref. 52);
- (d) making an access control decision based on the received information (see, e.g., Fig. 10, ref. 54).

- 2.2 As a consequence, **claim 30** does not comply with the provisions set out in Article 33(2) PCT due to lack of novelty of its subject-matter.
- 2.3 Referring to the objection raised above, **claim 1** does also not comply with the requirements of Article 33(2) PCT since its subject-matter corresponds to that of **claim 30**, whereas **claims 112 and 128** do not meet the requirements of Article 33(3) PCT as the additional feature of file format conversions leads solely to a juxtaposition of well-known approaches rather than giving rise to an inventive step.
- 2.4 Moreover, it should be noted that the subject-matter of **claims 1, 30, 112, and 128** also lacks novelty (Article 33(2) PCT) and/or inventive step (Article 33(3) PCT) vis-à-vis to the disclosure of document **D2** or **D3** (see cited passages in the International Search Report).
- 2.5 It is pointed out that even if the Applicant were to interpret **claims 1 and 30** in such a manner as to enable him to allege that their subject-matter were novel, based on minor differences between the technical features of these claims and those disclosed in document **D1**, the subject-matter of said claims would still not involve an inventive step (Article 33(3) PCT) over said document, especially as it discloses the same object (i.e., policy-based access control) and the same type of solution as claimed in said claims.
- 3 Additionally, dependent **claims 2-29, 31-36, 113-127, and 129-137** do not appear to contain any additional technical features which, either alone or in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT) since their subject-

matters (further structural features of the policy engine; details on gathering the required information by the collection agent; types of gathered information) are either known from the prior art (documents **D1-D3**; see cited passages in the International Search Report) or merely represent minor design options to the person skilled in the art.

- 4 Concerning **Group 2**, the present application does not meet the criteria mentioned in Article 33(1) PCT, because the subject-matter of independent **claims 37, 49, 138, and 144** is not novel in the sense of Article 33(2) PCT.

- 4.1 Document **D4** discloses according to all the features of **claim 49** (the references in parentheses applying to this document):

A method of granting access with a policy engine (see Fig. 2) comprising the steps of:

- (a) receiving, by a first component ("Access Point (AP)"; Fig. 2, ref. 120), information ("identification information") about a client node (see, e.g., Fig. 4, ref. 204);
- (b) generating, by the first component, a data set (e.g., "geographic location information") from the information (Fig. 4, ref. 206);
- (c) providing, by a second component ("MIB"; Fig. 1, ref. 150), an enumeration of resources available to the client (see, e.g., page 14, lines 1-3: "...each of the access points 120 may operate to forward the identification information to the MIB...; and this computer system performs steps 212, 216 and 218 of determining the appropriate network provider and corresponding access method..."; see also Fig. 4, refs. 212, 216, and 218; Fig. 5).

- 4.2 Referring to the objection raised above, **claims 37, 138, and 144** do also not comply with the requirements of Article 33(2) PCT since their subject-matter corresponds to that of **claim 59**.

- 4.3 Moreover, it should be noted that the subject-matter of **claims 37, 49, 138, and 144** also lacks novelty (Article 33(2) PCT) vis-à-vis to the disclosure of document **D5** (see cited passages in the International Search Report).

- 5 Additionally, dependent **claims 38-48, 50-58, 139-143, and 145-153** do not appear to contain any additional technical features which, either alone or in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT) since their subject-matters (incorporating further components for controlling access to available resources) are either known from the prior art (documents **D4, D5**; see cited passages in the International Search Report) or merely represent minor design options to the person skilled in the art.
- 6 Concerning **Group 3**, the present application does not meet the criteria mentioned in Article 33(1) PCT, because the subject-matter of independent **claims 59 and 93** is not novel in the sense of Article 33(2) PCT.
- 6.1 Document **D6** discloses according to all the features of **claim 59** (the references in parentheses applying to this document):
- A method for providing file contents (see Fig. 1) comprising the steps of:
- (a) transmitting, by a client node ("User"; Fig. 1, ref. 10), a request for a file (see, e.g., page 3, last line - page 4, first line: "...the user who wishes to read the file requests the file through the http server...");
 - (b) receiving, by an access control server ("Command Utility"; Fig. 1, ref. 18), a request for a file (page 4, lines 4-5: "...and then this request is sent to the command utility...");
 - (c) making, by an access control server, an access control decision (see, e.g., page 10, lines 28-39);
 - (d) determining a file type for the file and an identifier ("handle") for an application program associated with the file type (page 4, line 5: "The command utility 18 locates the object of the desired file in the object database..."; see also page 5, lines 17-50);
 - (e) presenting the file contents to the client node (see Fig. 1).
- 6.2 Referring to the objection raised above, **claim 93** does also not comply with the requirements of Article 33(2) PCT since its subject-matter corresponds to that of **claim 59**.

- 6.3 Moreover, it should be noted that the subject-matter of **claims 59 and 93** also lacks novelty (Article 33(2) PCT) vis-à-vis to the disclosure of document **D7** (see cited passages in the International Search Report).
- 7 Additionally, dependent **claims 60-92 and 94-111** do not appear to contain any additional features which, either alone or in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty or inventive step since their subject-matters (incorporation of an application server farm and different types of servers) are either known from the prior art (documents **D6, D7**; see cited passages in the International Search Report) or merely represent minor design options to the person skilled in the art.

Re Item VII

Certain defects in the International Application

- 1 The independent claims are not properly drafted in the two-part form recommended by Rule 6.3(b) PCT and do not include reference signs in parentheses to increase their intelligibility according to Rule 6.2(b) PCT.
- 2 The most relevant prior art documents are not properly acknowledged in the Description according to Rule 5.1(a)(ii) PCT.
- 3 The corresponding publication number of the US patent application introduced on page 17, line 29 of the Description is not indicated (see PCT Guidelines, 4.05).